

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Herbert MOESSLER et al.

Serial No. 10/766,480

Filed January 29, 2004

NEUROPROTECTIVE DIETARY  
SUPPLEMENT



: **Confirmation No. 3739**

: Docket No. 2003-1478A

: Group Art Unit 1654

: Examiner Not Yet Assigned

: **Mail Stop: AMENDMENT**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☒ each U.S. Patent and U.S. Patent application publication;
- ☐ each reference previously cited in the international application  
PCT/\_\_\_\_\_; and/or
- ☐ each reference previously cited in prior parent application Serial No.  
\_\_\_\_\_.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

- 1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

- (1) ☐ the certification of paragraph 2 below is provided, **or**  
(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

- 1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and  
the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

- a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or  
b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.
6. ☐ Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Herbert MOESSLER et al.

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June 23, 2005

Sheet 1 of 2							
INFORMATION DISCLOSURE STATEMENT							
FORM PTQ 1449 (modified)  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)  Date Submitted to PTO: June 23, 2005				ATTY DOCKET NO. 2003-1478A		SERIAL NO. 10/766,480	
APPLICANT Herbert MOESSLER et al.				FILING DATE January 29, 2004		GROUP 1654	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	6,576,272	06/2003	Blechman				
AB	6,294,383	09/2001	Isacson et al.				
AC	6,140,116	10/2000	Dinsmore				
AD	5,759,991	06/1998	Tohdoh				
AE	6,559,124	05/2003	O'Brien et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
AF	1 325 747	07/2003	EP				
AG							
AH							
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AI	X. A. Alvarez et al., "Oral Cerebrolysin® enhances brain alpha activity and improves cognitive performance in elderly control subjects," <u>J. Neural Transm., Suppl.</u> , Vol. 59, pp. 315-328 (2000)					
	AJ	K. Bulloch et al., "Calcitonin Gene-Related Peptide Immunoreactivity in the Hippocampus and Its Relationship to Cellular Changes Following Exposure to Trimethyltin," <u>Journal of Neuroscience Research</u> , Vol. 55, pp. 441-457 (1999)					
	AK	L. Parnetti et al., "Posatirelin in the treatment of vascular dementia: a double-blind multicentre study vs placebo," <u>Acta Neurol. Scand.</u> , Vol. 93, pp. 456-463 (1996)					
	AL	M. Gonzalez-Gross et al., "Nutrition and cognitive impairment in the elderly," <u>British Journal of Nutrition</u> , Vol. 86, pp. 313-321 (2001)					
	AM	M. Yoshikawa et al., "Bioactive peptides derived from food proteins preventing lifestyle-related diseases," <u>BioFactors</u> , Vol. 12, pp. 143-146 (2000)					
	AN	Illana Gozes et al., "Peptides as Drug Candidates Against Alzheimer's Disease," <u>Drug Development Research</u> , Vol. 56, pp. 475-481 (2002).					
EXAMINER				DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 2 of 2		<b>INFORMATION DISCLOSURE STATEMENT</b>					
FORM PTO.1449 (modified)		ATTY DOCKET NO. 2003_1478A				SERIAL NO. 10/766,480	
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		APPLICANT Herbert MOESSLER et al.					
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Date Submitted to PTO: June 23, 2005							
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL	AA	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,399,575	06/2002	Smith et al.			
	AB	6,225,444	05/2001	Shashoua			
	AC	6,174,862	01/2001	Brenneman			
	AD	6,541,452	04/2003	Hastings et al.			
	AE						
	AF						
	AG						
	AH						
	AI						
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ						
	AK						
	AL						
	AM						
	AN						
<b>OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	AO						
	AP						
	AQ						
EXAMINER				DATE CONSIDERED			

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